



Defendant, William Paul, has not yet received or been served with the Complaint. Accordingly, this Petition for Removal is timely, as it is filed within 30 days of Quality Carriers, Inc.'s receipt, through service or otherwise of the first pleading against it pursuant to 28 U.S.C. §1446.

5. A review of Plaintiff's Complaint reveals that it does not contain an *ad damnum* clause. However, the Complaint alleges the following:

As a direct and proximate result of the negligence of the defendants, the plaintiff was caused to suffer and sustain great pain of mind and body, was forced to undergo much medical treatment, did sustain a permanent injury that has not healed and will not heal to function normally, did sustain a loss of time, livelihood and ability to carry out his normal duties and activities for a long period of time and he will endure the same in the future. (See Exhibit "A" paragraph 4.)

5. In light of the foregoing, Plaintiff, Ulviche Ngayino, has set forth a claim in which the amount in controversy is in excess of the jurisdictional threshold of \$75,000, exclusive of interest and costs. 28 U.S.C. §1332(a).

6. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between Plaintiffs and Defendants since:

- (a) At all material times, plaintiffs were and are a citizen of Newark, State of New Jersey.
- (b) At all material times, defendant Quality Carriers, Inc. was and is a corporation incorporated under the laws of Illinois with its principle place of business in Tampa, Florida.
- (c) At all material times, defendant William Paul was and is a citizen of Sheffield, Massachusetts.

7. Upon information and belief, as of this date, Defendant William Paul has not been served with Plaintiffs' Complaint. Therefore, pursuant to Lewis v. Rego Co., 757 F.2d 66 (3rd

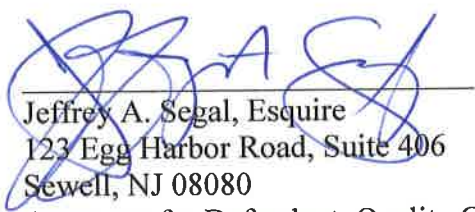
Cir. 1985), the consent of William Paul is not required for removal. However, through the undersigned counsel, he consents to removal.

Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446

**WHEREFORE**, Defendant, Quality Carriers, Inc., prays that the above captioned action now pending in the Superior Court of New Jersey, Law Division, Essex County, be removed therefrom to this Honorable Court.

SALMON, RICCHEZZA, SINGER & TURCHI, LLP

By:

  
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Date: 4-21-17